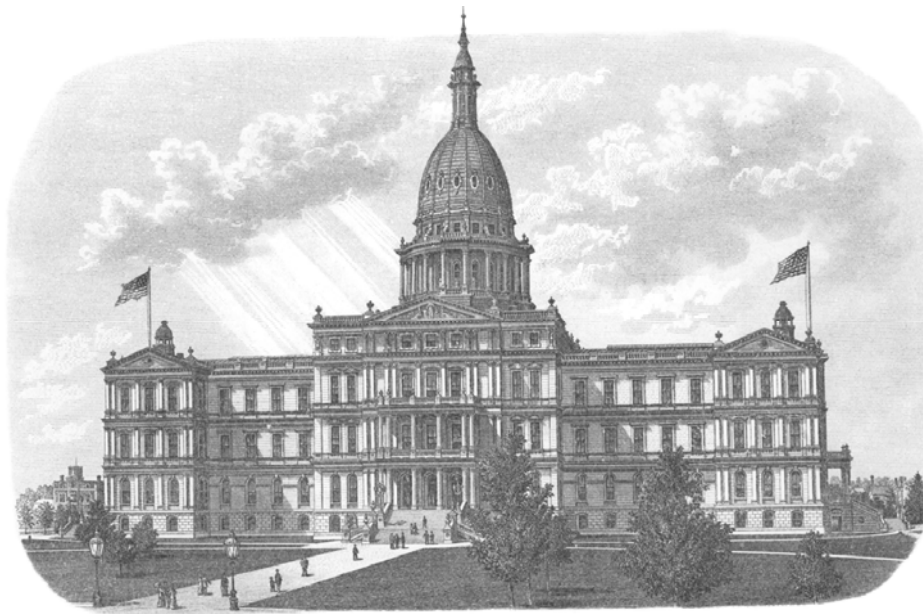


Michigan Register

Issue No. 11 – 2011 (Published July 1, 2011)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

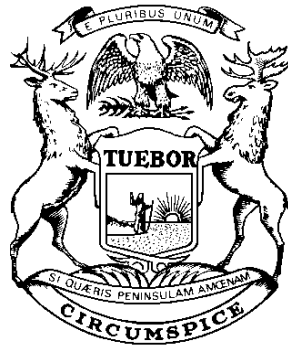
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 11— 2011

(This issue, published July 1, 2011, contains
documents filed from June 1, 2011 to June 15, 2011)

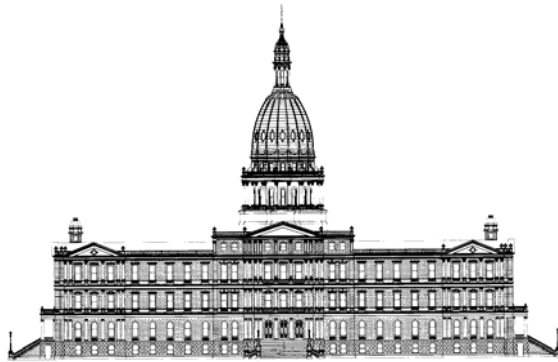
Compiled and Published by the
Office of Regulatory Reinvention

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Steven Hilfinger, Director, Office of Regulatory Reinvention; **Deidre O'Berry**, Administrative Rules Analyst for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steven Hilfinger, Director
Office of Regulatory Reinvention

2011 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2011	February 1, 2011
2	February 1, 2011	February 15, 2011
3	February 15, 2011	March 1, 2011
4	March 1, 2011	March 15, 2011
5	March 15, 2011	April 1, 2011
6	April 1, 2011	April 15, 2011
7	April 15, 2011	May 1, 2011
8	May 1, 2011	May 15, 2011
9	May 15, 2011	June 1, 2011
10	June 1, 2011	June 15, 2011
11	June 15, 2011	July 1, 2011
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19	October 15, 2011	November 1, 2011
20	November 1, 2011	November 15, 2011
21	November 15, 2011	December 1, 2011
22	December 1, 2011	December 15, 2011
23	December 15, 2011	January 1, 2012
24	January 1, 2012	January 15, 2012

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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR 2009-040

DEPARTMENT OF COMMUNITY HEALTH
DIRECTOR'S OFFICE

BUREAU OF HEALTH SYSTEMS - RADIATION SAFETY SECTION

IONIZING RADIATION RULES
PART 15. COMPUTED TOMOGRAPHY INSTALLATIONS

Filed with the Secretary of State on June 8, 2011

These rules take effect upon filing with the Secretary of State

(By authority conferred on the director of the department of community health by section 13521, 1978 PA 368, MCL 333.13521 and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-01, MCL 330.3101, 445.2001, and 445.2011)

R 325.5701, R 325.5703, R 325.5705, R 325.5707, R 325.5709, R 325.5711, R 325.5713, R 325.5715, R 325.5717, R 325.5719, and R 325.5721 of the Michigan Administrative Code are added as follows:

R 325.5701 Purpose and scope.

Rule 701. (1) This part establishes requirements governing the use of computed tomography (CT) scanners in the healing arts.

(2) This part applies to all registrants who use a CT scanner for the intentional exposure of humans for diagnostic imaging.

(3) A CT scanner is exempt from this part if the scanner meets 1 of the following:

(a) Generates a peak power of 5 kilowatts or less as certified by the manufacturer.

(b) Is used only for attenuation corrections and anatomical markers as part of a positron emission tomography (PET/CT) or single photon emission computed tomography (SPECT/CT) study.

(c) Is used as a simulator solely for treatment planning purposes in conjunction with a megavoltage radiation therapy unit.

(d) Is used solely for intra-operative guidance tomography.

(4) In addition to the requirements of this part, all registrants are subject to R 325.5001 to R 325.5665 and the certificate of need review standards for computed tomography scanner services.

R 325.5703 Definitions.

Rule 703. (1) As used in this part the definitions in 21 C.F.R. 1020.33, "Computed tomography (CT) equipment" (June 10, 2005), are adopted by reference. Copies of these regulations are available at no cost from the Radiation Safety Section, Michigan Department of Community Health, P.O. Box 30664, Lansing, Michigan 48909 or via the internet at website: www.michigan.gov/rss and from the Center for Devices and Radiological Health, U.S. Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, Maryland 20993 or via the internet at website: www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm.

(2) As used in this part the following definitions apply:

(a) "Annual" means a period of 12 consecutive months.

(b) “Computed tomography (CT)” means the production of a tomogram by the acquisition and computer processing of x-ray transmission data. Computed tomography includes the capability of producing axial tomograms.

(c) “CT medical event” means an unintended event where a physician determines that actual damage has occurred to an organ or a physiological system of an individual due to or suspected to be due to exposure to diagnostic radiation from a CT scanner.

(d) “CT scanner” means a CT machine capable of performing CT scans of the head, other body parts, or full body patient procedures including PET/CT and SPECT/CT scanner hybrids if used for CT only procedures.

(e) “Medical physicist” means a person trained in evaluating the performance of CT scanners, related equipment, and facility quality assurance programs and who meets the requirements in R 325.5707.

(f) “Positron emission tomography (PET)” means an imaging technique that uses positron-emitting radionuclides to produce 3-dimensional images of functional processes in the body.

(g) “Radiologic technologist” means an individual specifically trained in the use of radiographic equipment and the positioning of patients for radiographic examinations and who meets the requirements in R 325.5705.

(h) “Single photon emission computed tomography (SPECT)” means an imaging technique that uses radionuclides to produce 3-dimensional images of functional processes in the body.

(i) “Tomogram” means the depiction of the attenuation properties of a section through a body.

(j) “Traceable to a national standard” means an instrument is calibrated at either the national institute of standards and technology (NIST) or at a calibration laboratory that participates in a proficiency program with the NIST at least once every 2 years and the results of the proficiency test conducted within 24 months of calibration show agreement within $\pm 3\%$ of the national standard in the appropriate energy range.

R 325.5705 CT operators.

Rule 705. Six months after the effective date of these rules, all CT examinations shall be performed by a radiologic technologist who meets all of the following requirements or by a physician or osteopathic physician licensed under article 15 of the act.

(a) Initial qualifications. Before beginning to perform CT examinations independently, a technologist shall meet both of the following:

(i) Be currently registered by the American registry of radiologic technologists (ARRT) or by the Canadian association of medical radiation technologists (CAMRT).

(ii) Document at least 20 hours of training and experience in operating CT equipment, radiation physics, and radiation protection or have the advanced certification in computed tomography from the ARRT.

(b) Continuing education. A technologist shall be in compliance with the ARRT requirements for continuing education for the imaging modality in which he or she performs services. The continuing education shall include credits pertinent to CT.

R 325.5707 Medical physicist.

Rule 707. Each registrant with 1 or more CT scanners shall employ or contract with a medical physicist to review the quality and safety of the operation of the CT scanner. The medical physicist shall meet all of the following:

(a) Initial qualifications. Before beginning to independently provide consultation to a CT facility, a medical physicist shall meet 1 of the following:

(i) Be certified in diagnostic radiological physics or radiological physics by the American board of radiology, or in diagnostic imaging physics by the American board of medical physics, or in diagnostic radiology physics by the Canadian college of physicists in medicine.

(ii) Have a graduate degree in medical physics, radiological physics, physics, or other relevant physical science or engineering discipline from an accredited institution and have formal coursework in the biological sciences with at least 1 course in biology or radiation biology and 1 course in anatomy, physiology, or similar topics related to the practice of medical physics, and have 3 years of documented experience in a clinical CT environment. An accredited institution is a college or university accredited by a regional accrediting organization that has been recognized either by the U.S. department of education (USDE) or by the council for higher education accreditation (CHEA) or both. Individuals with non-U.S. degrees shall provide documentation that their foreign degrees are equivalent to those granted from an approved institution in the U.S. and that the granting institution is equivalent to a regionally accredited institution in the U.S.

(iii) During the 3 years immediately following the effective date of this part, a medical physicist that does not meet the requirements of paragraph (i) or (ii) of this subdivision shall be considered qualified if the physicist conducted evaluations of at least 3 CT scanners between January 1, 2007 and January 1, 2010. Three years after the effective date of this part, a medical physicist shall meet the requirements of paragraph (i) or (ii) of this subdivision.

(b) Continuing experience. After the second anniversary of the date when the requirements of subdivision (a) of this rule were completed, the medical physicist shall have evaluated at least 2 CT scanners in the prior 24-month period.

(c) Continuing education. After the third anniversary of the date when the requirements of subdivision (a) of this rule were completed, the medical physicist shall have earned at least 15 continuing medical education units, at least half shall be category 1, in the prior 36-month period. The continuing education shall include credits pertinent to CT.

(d) Reestablishing qualifications. A medical physicist who fails to maintain the required continuing experience or continuing education requirements shall reestablish his or her qualifications before resuming the independent evaluation of CT scanners and facilities, as follows:

(i) A medical physicist who fails to meet the continuing experience requirements of subdivision (b) of this rule shall evaluate a sufficient number of CT scanners, under the supervision of a medical physicist, to meet the requirements of subdivision (b) of this rule.

(ii) A medical physicist who fails to meet the continuing education requirements of subdivision (c) of this rule shall obtain a sufficient number of additional continuing education credits to meet the requirements of subdivision (c) of this rule.

R 325.5709 Equipment requirements.

Rule 709. (1) The regulations in 21 C.F.R. 1020.33(c), (d), (f), (g), (h), (i), and (j), “Computed tomography (CT) equipment” (June 10, 2005), are adopted by reference. Copies of these regulations are available at no cost from the Radiation Safety Section, Michigan Department of Community Health, P.O. Box 30664, Lansing, Michigan 48909 or via the internet at website: www.michigan.gov/rss and from the Center for Devices and Radiological Health, U.S. Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, Maryland 20993 or via the internet at website: www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm.

(2) CT equipment shall be maintained in compliance with the requirements of subrule (1) of this rule.

R 325.5711 Enclosures

Rule 711. (1) A fixed CT scanner enclosure shall be a permanent part of the building or equipment. Portable shields shall not be used for permanent installations.

(2) The degree of protection required for a CT scanner enclosure shall be determined by the workload, use, and occupancy factors and the kilovoltage, milliamperage, mechanical movement, and distance factor, and is subject to design approval by the department.

(3) Protective barriers shall be provided in the ceiling, floor, and walls of a fixed CT scanner enclosure.

(4) The control panel for a fixed CT scanner shall be shielded by a protective barrier which cannot be removed from a protective position between the operator and the radiation source during machine operation.

(5) Movable barriers with electrical interlocks shall not be approved in lieu of compliance with subrule (4) of this rule.

(6) The operator of a fixed CT scanner shall be able to see and communicate with the patient from a shielded position at the control panel. When an observation window is provided, it shall have a lead equivalence at least equal to that required of the control barrier in which it is installed.

(7) Mobile or portable CT scanners used routinely in 1 location shall be considered a fixed installation and shall comply with the requirements of subrules (1) to (6) of this rule.

R 325.5713 Conditions of operation

Rule 713. (1) Six months after the effective date of these rules, the CT facility shall establish scanning protocols in consultation with the medical physicist.

(2) The CT operator shall check the display panel before and after performing each scan to make sure the amount of radiation delivered is appropriate for the technique and individual patient. This may be accomplished by reviewing dose indicator devices if available or dose indices such as the technique factors. Dose indicators or indices outside of expected values shall be documented and reviewed by an interpreting physician or medical physicist.

(3) A fixed CT scanner shall be operated from a shielded position behind a protective barrier pursuant to R 325.5711(4).

(4) Staff personnel routinely working with or around radiation sources shall not be required by the licensee or registrant to restrain patients during CT examinations. If such procedure is permitted personnel exposure shall not exceed the limits in R 325.5205 or the procedure is prohibited.

(5) When a patient must be held in position for CT, mechanical supporting or restraining devices shall be used unless contraindicated. If the patient must be held by an individual, this individual shall wear protective gloves and a protective apron of 0.5 millimeter minimum lead equivalence and be so positioned that no part of his or her body will be struck by the useful beam and that his or her body is as far as possible from the edge of the useful beam.

(6) Only individuals whose presence is necessary are allowed in a fixed CT scanner room during exposure. Each individual, except the patient, shall be protected by at least 0.5 millimeter lead equivalent aprons or a whole body protective barrier.

(7) Personnel monitoring is required in controlled areas for each individual occupationally exposed to ionizing radiation from CT scanner equipment. Personnel monitoring devices shall be permanently assigned to each occupationally exposed individual. Monitoring shall be continuous during employment as a radiation worker.

(8) Personnel exposure records shall be kept on permanent available file at the facility where the exposure occurs.

(9) Monitoring devices used to estimate whole body exposure shall normally be worn on the chest or abdomen. Monitoring of any other body part shall comply with R 325.5222.

(10) Monitoring devices worn to estimate personnel occupational exposure shall not be worn by the individual when he or she is exposed as a patient for any medical or dental reason.

(11) A CT scanner shall not be left unattended without locking the apparatus, room, or building in some manner which will prevent use of the apparatus by unauthorized persons.

R 325.5715 Report and notification of a CT medical event.

Rule 715. (1) A CT facility shall report any CT medical event.

(2) The registrant shall submit a written report to the department within 15 days after a physician of the CT facility discovers the CT medical event or within 15 days after the CT facility is notified of the CT medical event by another physician, whichever comes first.

(3) The written report shall include all of the following:

(a) The registrant's name, address, facility registration number, and machine registration tag number as they appear on the registration certificate.

(b) The name of the physician who determined a CT medical event occurred.

(c) The dates of occurrence and discovery of the CT medical event.

(d) A narrative description of the CT medical event.

(e) The cause of the CT medical event.

(f) The effect on the individual who received the exposure.

(g) A narrative detailing corrective action taken or planned to prevent a recurrence.

(h) Certification that the registrant notified the individual or the individual's responsible relative or guardian and, if not, why not.

(i) The name and signature of the person preparing the report.

(4) The report shall not contain the name of the individual who is the subject of the CT medical event or any other information that could lead to identification of the individual.

(5) The registrant shall provide notification of the CT medical event to the referring physician and shall notify the individual who is the subject of the CT medical event not later than 1 week after its discovery, unless the referring physician personally informs the registrant that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The registrant is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within 1 week, the registrant shall notify the individual as soon as possible thereafter. The registrant shall not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the CT medical event, because of any delay in notification. The notification of the individual who is the subject of the CT medical event may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the registrant shall inform the individual or appropriate responsible relative or guardian that a written description of the CT medical event can be obtained from the registrant upon request. The registrant shall provide such a written description if requested.

R 325.5717 Quality control program.

Rule 717. (1) Six months after the effective date of these rules, a CT facility shall establish and implement a quality control program under the supervision of the medical physicist. The documented program shall include evaluation of all of the following:

(a) Image quality.

(b) Patient radiation dose.

(c) Personnel radiation protection.

(d) Compliance with the provisions of this part.

(e) Ongoing quality control.

(2) Evaluations and tests shall be performed following written procedures and methods. Corrective action shall be taken and documented according to instructions provided by the medical physicist if the results of an evaluation or test fall outside the control limits.

(3) The medical physicist shall determine the frequency of each test and who may perform the test. An on-site CT radiologic technologist shall be identified to be responsible for the ongoing quality control testing. The tests shall be performed by this technologist or by other personnel qualified by training and experience following written procedures and methods under subrule (2) of this rule.

(4) The ongoing quality control evaluation should include the following:

(a) Image quality, including the following:

(i) High-contrast resolution.

(ii) Low-contrast resolution.

(iii) Image uniformity.

(iv) Noise.

(v) Artifact evaluation.

(b) Alignment light accuracy.

(c) Slice thickness.

(d) CT number accuracy.

(e) Dose display devices.

R 325.5719 Initial and annual medical physicist performance evaluations.

Rule 719. (1) A medical physicist shall complete an initial performance evaluation of the CT scanner before use on human patients and annually thereafter.

(2) A calibrated dosimetry system shall be used to measure the radiation output of a CT scanner. Calibration of the dosimetry system shall be within the preceding 24 months and shall be traceable to a national standard as specified in R 325.5703(2)(j).

(3) A performance evaluation should include the following:

(a) Alignment light accuracy.

(b) Alignment of table to gantry.

(c) Table and gantry tilt.

(d) Slice localization from scanned projection radiograph.

(e) Table increment accuracy.

(f) Slice thickness.

(g) Image quality, including the following:

(i) High-contrast resolution.

(ii) Low-contrast resolution.

(iii) Image uniformity.

(iv) Noise.

(v) Artifact evaluation.

(h) CT number accuracy and linearity.

(i) Dosimetry, including the following:

(i) Dose indicator such as computed tomography dose index (CTDI).

(ii) Patient radiation dose for representative examinations.

(j) Safety evaluation, including the following:

(i) Visual inspection.

(ii) Audible and visual signals.

(iii) Posting requirements.

(iv) Scattered radiation measurements.

(k) Review of the ongoing quality control program, including test results and corrective action.

(4) The medical physicist shall prepare a report that includes all of the following:

(a) A summary of the performance evaluation required under subrule (1) of this rule.

(b) Recommendations for necessary improvements, if any.

- (c) Type of dosimetry system used, including the date of the last calibration.
- (5) The report required under subrule (4) of this rule shall be provided to the CT facility within 30 days after completion of the evaluation.

R 325.5721 Records and report retention.

Rule 721. A CT facility shall maintain records and reports on file and shall make the records and reports available for review by the department as follows:

(a) Records documenting the qualifications of all personnel who worked at the facility as an operator or medical physicist. Records of personnel no longer employed by the CT facility shall be kept on file until the next inspection following the employee's termination has been completed and the department has determined that the facility is in compliance with the CT personnel requirements.

(b) A report of a CT medical event required under R 325.5715 shall be maintained on file for at least 7 years.

(c) Initial and annual medical physicist performance evaluation reports required under R 325.5719(4) shall be maintained on file for at least 5 years.

(d) Records of the results from the ongoing quality control evaluation required under R 325.5717 shall be maintained on file for at least 2 years.

ADMINISTRATIVE RULES

ORR 2010-013

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

PUBLIC SERVICE COMMISSION

MERGERS AND ACQUISITIONS

Filed with the Secretary of State on June 2, 2011

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the public service commission by section 6q of 2008 PA 286, MCL 460.6q.)

R 460.301, R 460.302, and R 460.303 are added to the Michigan Administrative Code as follows:

R 460.301 Scope.

Rule 1. (1) The prior approval of the commission is required when any of the following occurs:

- (a) A person acquires or merges with a jurisdictional regulated utility.
 - (b) A transaction involves the transfer of control of a jurisdictional regulated utility.
 - (c) A jurisdictional regulated utility sells, assigns, transfers, or encumbers assets to another person, except if such sale, assignment, transfer, or encumbrance of assets occurs in the normal course of business.
- (2) The prior approval of the commission is not required for the issuance of securities or other financing transactions that are not directly or indirectly involved in an acquisition, merger, encumbrance, or transfer of control.

R 460.302 Definitions.

Rule 2. As used in these rules:

- (a) “Acquire” or “acquisition” means to obtain an interest in a jurisdictional regulated utility through a transaction that results in a transfer of control of the jurisdictional regulated utility. An underwriter or broker-dealer that obtains an interest in securities solely for the purpose of facilitating a distribution of securities does not thereby acquire or make an acquisition of an interest in the jurisdictional regulated utility for purposes of MCL 460.6q and these rules.
- (b) “Applicant” means any person seeking approval from the commission under MCL 460.6q and these rules.
- (c) “Asset” means real and personal property, including natural gas and electric distribution facilities, electric transmission and generation facilities, and natural gas transmission and storage facilities, owned by a jurisdictional regulated utility and used to directly provide natural gas or electric utility services to end users at rates regulated by the commission. For purposes of these standards, asset does not include accounts receivable.

(d) “Assign” or “assignment” means the transfer to another person of any of the interest held in an asset or assets.

(e) “Encumber” or “encumbrance” or “encumber assets” means subjecting an asset or assets of a jurisdictional regulated utility to a lien or security interest for purposes other than to facilitate, directly or indirectly, financing of utility operations, or for purposes other than to facilitate, directly or indirectly, the provision of utility service. It does not include a refinancing of existing secured debts or securities to the extent that the amount refinanced is equal to or less than the amount of the existing secured debt or security.

(f) “Jurisdictional regulated utility” means a utility whose rates are regulated by the commission. Jurisdictional regulated utility does not include a telecommunications provider as defined in the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to 484.2604, or a motor carrier as defined in the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.

(g) “Merge” or “merger” means the combination or consolidation of a jurisdictional regulated utility with another person in a manner that results in a transfer of control of the jurisdictional regulated utility.

(h) “Original book cost” means the amount at which an asset is recorded in the books of accounts of the jurisdictional regulated utility, plus additions, without deduction of related provisions for accrued depreciation, amortization, securitization, write-downs, impairments, or for other purposes.

(i) “Person” means an individual, corporation, association, partnership, utility, or any other private or public entity. Person includes a jurisdictional regulated utility.

(j) “Normal course of business” means a transaction that is related to the transfer, sale, assignment, or encumbrance of assets and that satisfies any 1 of the following criteria:

(i) With respect to utilities having 500,000 or more retail customers, a transaction that involves the transfer, sale, or assignment of assets having an original book cost equal to or less than the dollar threshold identified in the following table:

Transaction Date	Dollar Threshold
Prior to December 31, 2020	\$50 million
January 1, 2021 to December 31, 2030	\$65 million
January 1, 2031 to December 31, 2040	\$85 million
January 1, 2041 to December 31, 2050	\$105 million
January 1, 2051 to December 31, 2060	\$135 million
January 1, 2061 to December 31, 2070	\$175 million
January 1, 2071 to December 31, 2080	\$225 million
January 1, 2081 and beyond	\$275 million

(ii) With respect to utilities having fewer than 500,000 retail customers, a transaction that involves the transfer, sale, or assignment of assets having an original book cost equal to or less than the dollar threshold identified in the following table:

Transaction Date	Dollar Threshold
Prior to December 31, 2020	\$10 million
January 1, 2021 to December 31, 2030	\$12.8 million
January 1, 2031 to December 31, 2040	\$16.4 million
January 1, 2041 to December 31, 2050	\$21 million
January 1, 2051 to December 31, 2060	\$26.9 million
January 1, 2061 to December 31, 2070	\$34.4 million
January 1, 2071 to December 31, 2080	\$44 million
January 1, 2081 and beyond	\$56.3 million

(iii) With respect to all utilities, a transaction, regardless of amount, that constitutes a sale, assignment, transfer, or encumbrance of interests in fuel, natural gas, purchased power, electric or natural gas transmission capacity, natural gas storage services, or other commodities, if such transaction is otherwise subject to review for reasonableness and prudence in a gas cost recovery or power supply cost recovery proceeding, or a successor thereof.

(iv) With respect to cooperative utilities whose rates are regulated by the commission, an encumbrance of assets in which the total aggregate proceeds to the jurisdictional regulated utility from all of the currently outstanding encumbrances immediately following the encumbrance will not exceed 5 million dollars.

A transaction described in subdivision (j) (i), (ii), (iii), or (iv) of this rule shall not be classified as in the normal course of business if the transaction, either directly or indirectly, is in connection with the acquisition, transfer of control, or merger of a jurisdictional regulated utility, or if the transaction involves the transfer or sale of an electrical generating plant that has a total installed generating capacity (nameplate rating) of more than 20 megawatts.

(k) "Sell assets" means the transfer to another person of any of the interest in an asset or assets.

(l) "Transaction" means an acquisition, merger, transfer of control, sale, assignment, transfer, or encumbrance as provided in R 460.301.

(m) "Transaction date," for purposes of the tables found in subdivision (j) (i) and (ii) of this rule only, means the date on which a jurisdictional regulated utility and another party to the transaction execute a final agreement for the transfer, sale, or assignment of an asset of the jurisdictional regulated utility.

(n) "Transfer assets" means the sale or assignment to another person of any of the interest in an asset or assets. It does not include the transfer of pension plan or other retirement assets done to facilitate a change in the management of such assets.

(o) "Transfer of control" means the transfer to another person of the power to direct or cause the direction of the management and policies of a jurisdictional regulated utility, whether through the ownership of voting interests or voting securities, by contract including acquisition of assets, or otherwise. Transfer of control is presumed to occur under either of the following conditions:

(i) After the transfer, the transferee, by formal or informal arrangement, device, or understanding, directly or indirectly, owns, controls, holds with the right to vote, or holds proxies representing 50% or more of the outstanding voting interests or voting securities that are entitled to elect a majority of the board of directors or other governing body of the jurisdictional regulated utility.

(ii) After the transfer, the transferee, by formal or informal arrangement, device, or understanding, directly or indirectly, owns, controls, holds with the right to vote, or holds proxies representing 20% or more of the outstanding voting interests or voting securities that are entitled to elect a majority of the board of directors or other governing body of the jurisdictional regulated utility, if such transferee is, after the transfer, the largest holder of such voting interests.

The presumption of a transfer of control described in subdivision (o) (i) and (ii) of this rule may be rebutted.

R 460.303 Application for approval.

Rule 3. (1) Applications for commission approval filed under MCL 460.6q shall contain pre-filed testimony addressing the requirements of MCL 460.6q(3) and MCL 460.6q(7), and shall include all of the following information for each applicant and each jurisdictional utility whose assets or securities are involved in the proposed transaction:

(a) The exact name of the applicant(s) and principal business address(es).

(b) The name and address of the person authorized to receive notices and communications regarding the application, including phone and fax numbers, and the e-mail address.

(c) A description of the applicant, including all business activities and jurisdictional real and personal property owned, operated, or controlled by the applicant and its parent companies.

(d) Organizational charts depicting the applicant's current and proposed post-transaction corporate structures.

(e) A description of the proposed transaction including the identity of all the parties involved, the terms and conditions of the transaction, and a detailed explanation of the reasons for entering into the transaction.

(f) A detailed description of the projected impact of the transaction on customer rates and electric and/or gas service.

(g) All documents related to the proposed transaction together with copies of all other written instruments entered into or proposed to be entered into by the parties to the transaction.

(h) A statement explaining the facts relied upon to demonstrate that the proposed transaction is consistent with the public interest. The applicant shall include a general explanation of the effect of the transaction on competition and rates. The applicant may also file any other information it believes relevant to the commission's consideration of the transaction.

(i) Pro forma financial statements resulting from the transaction.

(j) Copies of the parties' public filings with other state or federal regulatory agencies regarding the same transaction, including any regulatory orders issued by those agencies regarding the transaction.

(k) Proposed accounting entries showing the effect of the transaction with sufficient detail to indicate the effects on all account balances, on the income statement, and on other relevant financial statements. The applicant shall explain how the amount of each entry was determined.

(l) A description of the capital structure of all parties to the transaction prior to the closing of the transaction, including all of the following:

(i) The amounts and types of equity.

(ii) The terms of preference stock, whether cumulative or participating, or on dividends or assets, or otherwise.

(iii) The amount of bonds authorized and issued, describing each class separately and giving the date of issue, par value, rate of interest, date of maturity, and how secured.

(iv) Other indebtedness, if any.

(m) A description of the capital structure of all parties to the transaction after the closing of the transaction, including any new entities created as a result of the transaction, including the following:

(i) The amounts and types of equity.

(ii) The terms of preference stock, whether cumulative or participating, or on dividends or assets, or otherwise.

(iii) The amount of bonds authorized and issued, describing each class separately and giving the date of issue, par value, rate of interest, date of maturity, and how secured.

(iv) Other indebtedness, if any.

(n) A description of the applicant's commitment, if any, to maintaining existing levels of corporate charitable contributions and community support after the transaction.

(o) A description of the effect of the transaction on the degree of risk assumed by utility customers for liabilities associated with activities that are not regulated by the commission.

(p) A description of the applicant's commitment, if any, to maintaining existing corporate offices located in Michigan.

(q) An explanation of whether the applicant or any party to the transaction intends to seek rate recovery of transaction costs, acquisition premiums, goodwill, or control premiums, and the projected amount.

(r) A detailed description of the effect of the transaction on the affected utility's regulatory cost of capital.

- (s) A description of transaction related savings credits for customers, if any.
- (t) A description of the effect of the proposed transaction on market power.
- (u) A description of the effect of the proposed transaction on the affected utility's state and local tax liability.
- (v) A description of any projected labor force reduction associated with the transaction.
- (w) A description of any proposed safeguards for stabilizing wages and benefits associated with the transaction.
- (x) A description of any additional commitments the applicant is making to the commission that are not included in the transaction documents.

(y) A description of any new entities created to facilitate the transaction.

(z) Applicants, and each jurisdictional utility whose assets or securities are involved in the proposed transaction, shall not rely upon any models or data subject to proprietary constraints for their applications filed under MCL 460.6q, unless the applicant or utility provides, upon request of any party, a mutually agreed upon time and place for the party's inspection of the proprietary model or data, along with operating manuals necessary to allow the inspecting party to use the model or data. For purposes of this subdivision, "party" includes, but is not limited to, any person who has filed a petition to intervene in the proceeding to which no objection has been filed.

(2) On the date that the application is filed, the applicant shall serve a copy of the application on the attorney general and on all parties to the applicant's or the affected utility's most recently completed general rate case. The application shall include a notice informing the public of the opportunity to comment on the application. The applicant shall publish the notice in 3 newspapers of general circulation in the applicant's service territory, or in the service territory of the affected utility if the utility is not the applicant, not later than 7 days from the date of filing the application. The notice shall provide that comments are due within 60 days of the date the application was filed.

(3) After notice and hearing and within 180 days from the date an application is filed under this rule, the commission shall issue an order approving or rejecting the proposed transaction. In the absence of a showing of good cause, determined by the executive secretary or the presiding officer on a case-by-case basis, for more exigent treatment, milestones for filings during the 180-day period are as follows:

(a) The executive secretary and the presiding officer shall endeavor to schedule the initial prehearing conference not later than 24 calendar days after the filing of an application for approval under MCL 460.6q. Failure to comply with this subdivision shall not be a basis for any party to appeal to the commission.

(b) At the initial prehearing conference the presiding officer shall establish a schedule that will allow the commission to issue a final order within 180 days of the filing of an application. The schedule established by the presiding officer may be amended by the presiding officer or the commission as provided by law. Both of the following apply:

(i) At the initial prehearing conference the presiding officer shall establish a schedule that will allow the commission to issue a final order within 180 days of the filing of an application. The schedule established by the presiding officer may be amended by the presiding officer or the commission as provided by law.

(ii) Discovery shall, as far as practicable, be conducted in the same manner as in the circuit courts of this state under the Michigan court rules or as otherwise provided by law. The party on whom interrogatories, requests for production of documents and other things, and requests for admission is served shall serve the answers and objections, if any, on all other parties within 5 business days after the discovery is served. When appropriate, the presiding officer may set different time limitations for the conduct of discovery. For purposes of this subdivision, "party" includes the applicant, a person who has filed a petition to intervene to which no objection has been filed, a person who is permitted to intervene, and the staff of the commission.

(c) In establishing a schedule under subrule (3) (b) of this rule, the presiding officer shall attempt the following calendar day milestones:

(i) Direct testimony by the commission staff and intervenors filed within 50 calendar days following the initial prehearing conference.

(ii) Rebuttal testimony filed within 10 calendar days after the filing of direct testimony by the commission staff and intervenors.

(iii) Cross-examination beginning not later than 7 calendar days after the filing of rebuttal testimony and concluding not later than 14 calendar days after the filing of rebuttal testimony.

(iv) Initial post-hearing briefs filed within 14 calendar days following the originally scheduled date for conclusion of cross-examination.

(v) Reply briefs filed within 10 calendar days after the filing of the initial post-hearing briefs.

(vi) Proposal for decision issued approximately 24 calendar days after the filing of the reply briefs.

(vii) Exceptions filed within 7 calendar days after the issuance of the proposal for decision.

(viii) Replies to exceptions filed within 5 calendar days after the filing of exceptions.

(ix) Commission's final order issued approximately 22 calendar days after the filing of the replies to exceptions.

ADMINISTRATIVE RULES

ORR 2010-042

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

ANIMAL INDUSTRY DIVISION

BODIES OF DEAD ANIMALS

Filed with the Secretary of State on June 2, 2011

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of agriculture and rural development by sections 15 and 27 of 1982 PA 239, MCL 287.665 and 287.677)

R 287.651, 287.651a, and R 287.655 of the Michigan Administrative Code are amended, and R 287.657 is added to the Code as follows:

R 287.651 Definitions.

Rule 1. As used in these rules:

- (a) "Afterbirth" means fetal fluids, placenta, and fetal mortality.
- (b) "Anaerobic digestion" means the biochemical conversion of complex organic materials, such as manure, into methane and other byproducts in the absence of oxygen.
- (c) "Animal process operation" is a place where animals or animal tissues may accumulate in a non-production (no multiple-day care and feeding) setting such as a butcher shop, slaughter facility, taxidermist, road commission, veterinary clinic, or market collection point.
- (d) "Animal production operation" generally described as a "farm," means an operation where animals under common ownership or management receive care and feeding for the production of food, co-products, or pleasure.
- (e) "Biogas" means the gaseous mix of methane, carbon dioxide, and other trace gases including hydrogen sulfide, ammonia, and hydrogen.
- (f) "Digestate" means the mixture of liquid and solid material (slurry) remaining after the digestion process is completed. Digestate is commonly known as effluent.
- (g) "Finished" compost means ready for final utilization as a soil amendment, plant fertilizer, or rooting medium. Finished compost shall be dark, humus-like with little odor, and free of any animal soft tissue.
- (h) "Forced aeration" means air is pushed or pulled through compost using a blower and perforated ductwork (within the compost or in the floor or walls surrounding the compost) to speed the composting process.
- (i) "In-vessel" means composting within a container, using forced aeration by mechanical turning (rotating drum).
- (j) "Leachate" means any liquid that may drain from compost.
- (k) "Mesophilic" means operating the anaerobic digester in the temperature range of 95 degrees Fahrenheit to 105 degrees Fahrenheit.

(l) "NRCS" means Natural Resources Conservation Service of the United States Department of Agriculture.

(m) "Passive aeration" means the movement of air through a compost pile brought about by the pull that is created when warm air exits the top and side of the pile and air from or through other parts of the compost is drawn in to take its place. Exiting air contains gases, moisture, and heat.

(n) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares or cooks food for human consumption. Restaurant grease does not include trap grease, interceptor grease, or other contents of grease traps or interceptor traps.

(o) "Site" means the location on premise where composting occurs.

(p) "Specifically designed container truck" means a truck or other vehicles designed or modified and constructed to haul individual leak proof containers.

(q) "Surface waters" means the definition in R 287.651(1)(o)(i) to (viii).

(r) "Thermophilic" means operating in the temperature range of 125 degrees Fahrenheit to 135 degrees Fahrenheit.

(s) "Trap grease," also referred to as "interceptor grease," means any restaurant grease

R 287.651a. Adoption of standards by reference.

Rule 1a. The following standards are adopted by reference in these rules and are available for inspection, and may be obtained without cost, from the Michigan Department of Agriculture and Rural Development, Animal Industry Division, P.O. Box 30017, Lansing, Michigan, 48909. The rules may also be skimmed, filtered, separated, or otherwise captured from wastewater before discharge.

(t) "Waters of the state" means all of the following, but does not include drainage ways and ponds used solely for wastewater conveyance, treatment, or control:

(i) The Great Lakes and their connecting waters.

(ii) All inland lakes.

(iii) Rivers.

(iv) Streams.

(v) Impoundments.

(vi) Open drains.

(vii) Other surface bodies of water within the confines of the state.

(viii) Groundwater.

obtained at no cost from the sources listed below:

(a) The Natural Resources Conservation Service 635 Vegetated Treatment Area Conservation Practice Standard, Date October, 2009, is available at <http://www.nrcs.usda.gov/technical/Standards/nhcp.html> or Natural Resources Conservation Service, Attention: Conservation Communications Staff, P.O. Box 2890, Washington, DC 20013.

(b) The Natural Resources Conservation Service 313 Waste Storage Facility Conservation Practice Standard, November, 2005, is available at <http://www.nrcs.usda.gov/technical/Standards/nhcp.html> or Natural Resources Conservation Service, Attention: Conservation Communications Staff, P.O. Box 2890, Washington, DC 20013.

(c) The Michigan Animal Tissue Composting Operational Standards, Michigan State University and Natural Resources Conservation Service, September, 2006, is available at <https://www.msu.edu/~rozenboom/> or Swine Nutrition & Production Management, 2209I Anthony, Department of Animal Science, Michigan State University, East Lansing, MI 48824-1225 or the Michigan Department of Agriculture and Rural Development, P.O. Box 30017, Lansing, Michigan 48909, or http://www.michigan.gov/documents/mda/BODA_Composting_Operational_Standards_216592_7.pdf.

(d) The Natural Resources Conservation Services, Field Operations Technical Guide Anaerobic Digester (NO) 366, October 2010, is available at <http://www.nrcs.usda.gov/technical/Standards/nhcp.html> or Natural Resources Conservation Service, Attention: Conservation Communications Staff, P.O. Box 2890, Washington, DC 20013.

R 287.655 Composting.

Rule 5. (1) Unless otherwise approved by the director, composting methods shall accommodate only normal daily natural mortality under common ownership, and be designed with capacity for both active composting and curing.

(2) Active composting consists of all of the following:

- (a) Organic materials.
- (b) Aeration and moisture management.
- (c) Heat production.
- (d) Repeated temperature patterns.

(3) Bulking agent is a material added to compost to provide nutrients, decrease bulk density, promote aeration, and remove heat. Bulking agent also means amendment, medium, carbon source, and feedstock. Any of the following may be used as compost bulking agents:

- (i) Dried grass.
- (ii) Hay.
- (iii) Chopped straw.
- (iv) Chopped corn stover.
- (v) Chopped bean stover.
- (vi) Unpainted wood chips that do not have additives or preservatives.
- (vii) Unpainted shredded bark that does not have additives or preservatives.
- (viii) Sawdust which is unpainted and which does not have additives or preservatives.
- (ix) Leaves.
- (x) Grass clippings.
- (xi) Grain hulls.
- (xii) Poultry litter or litter cake.
- (xiii) Animal manure solids.
- (xiv) Waste animal feeds.
- (xv) Finished or cured compost.
- (xvi) A mixture of any of the recommended bulking agents listed in subdivisions (i) to (xvii) of this subrule.
- (xviii) Other, as approved by the director.

(4) Curing is the period of time after active composting for further decomposition at a slow rate. Less intense heat production and lower temperatures will be sustained during curing.

(5) In response to a written request, the use of composting methods other than as specified in this rule and the Michigan Animal Tissue Composting Operational Standard (Michigan State University and NRCS), as adopted by reference in R 287.651a, may be permitted by the director.

(6) One or more of the following methods of composting shall be used and passive, forced, and (or) active aeration may be used with each method:

- (a) Open pile.
- (b) Bin.
- (c) Windrow.
- (d) In-vessel.
- (e) Other, as approved by the director.

(7) The composting structure shall be constructed and maintained to withstand structural damage caused by active composting and equipment used for compost aeration and movement. Any structural damage to the structure shall be repaired before it is used again for active composting.

(8) The site for composting shall maintain the following minimum isolation distances:

(a) Two hundred feet from waters of the state as defined in R 287.651(1)(o)(i) to (viii).

(b) Two feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.

(c) Two hundred feet from any well.

(d) Two hundred feet from nearest non-farm residence.

(9) The composting site shall be selected and/or graded to direct surface runoff away from the compost site and prevent effluent from contacting surface waters.

(10) For an animal production operation accumulating more than 20,000 pounds of mortality annually or any animal process operation, regardless of composting method, composting shall be done in compliance with the following:

(a) All active, finished, curing, and cured compost at the site shall be located in or on, 1 or both of the following:

(i) On an improved surface, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a, (see section on "Liners") and designed to withstand anticipated loads from the equipment used for placement, aeration, and movement of compost.

(ii) In an in-vessel system.

(b) All effluent generated and runoff events during active composting and curing, not retained in the compost, shall be managed in a manner consistent with all applicable federal, state, and local laws and with at least 1 of the following:

(i) Reintroduced into compost piles.

(ii) Collected and stored in a storage facility with a liner that meets the criteria defined in NRCS 313 Waste Storage Facility Conservation Practice Standard and adopted by reference in R 287.651a, and utilized for crop production in accordance with the recommendations in Generally Accepted Agricultural Management Practices for Nutrient Utilization, January 2010, as established in 1981 PA 93, MCL 286.471, and published at http://michigan.gov/mda/0,1607,7-125-1567_1599_1605-70361--,00.html.

(iii) Diverted to a treatment system meeting the criteria in NRCS 635 Wastewater Treatment Strip Conservation Practice Standard, and adopted by reference in R 287.651a.

(iv) Other methods, as approved by the director.

(11) For an animal production operation accumulation less than 20,000 pounds of mortality annually, composting may be done without a structure or vessel provided the following conditions are met:

(a) A new composting site is selected for use annually. The following shall apply:

(i) Use of the current year's site may continue until the compost is finished, but not more than 2 years from the time of the first dead animal addition, at which time the finished compost must be disposed of in accordance with Rule 5(10).

(ii) No new tissue is added to a site after 1 year from the first dead animal addition.

(iii) A new site may be immediately adjacent to a previous site.

(iv) A previous site is not reused within a 10-year period of time.

(b) A new site is on land used in crop rotation.

(c) A new site is not directly above subsurfacing drains or tile.

(12) Active composting shall maintain all of the following:

(a) Carbon-to-nitrogen ratio minimum of 15:1.

(b) Moisture content, range of 40% to 60%.

(c) At least 1 reading of a temperature greater than 130 degrees Fahrenheit after the initiation of a batch

with the temperature measured at a depth of 1 foot into the compost once weekly. A temperature reading shall be conducted twice per week for a rotating drum, continuous flow, in-vessel system.

(i) The following conditions shall be met for active composting:

(A) Composting temperature may remain in a range of 100 degrees Fahrenheit to 150 degrees Fahrenheit for several weeks.

(B) Properly timed aeration and (or) moisture alterations.

(ii) Each batch of animal tissue compost must undergo a minimum of 3 heat cycles of active composting before final utilization.

(iii) A static compost pile may be aerated passively, by periodic agitation, mixing or turning, or by using forced aeration.

(13) A person shall manage the composting process in compliance with the guidelines described in the Michigan Animal Tissue Composting Operational Standards, as adopted by reference in R 287.651a, and all of the following:

(a) The composting process shall be managed in batches. Composting shall involve controlled active and curing phases, temperature-based aeration, and a planned end point of not more than 2 years from the time of the first dead animal addition to a batch. Complete curing is not required. Compost is considered finished based on its planned use as a soil amendment or rooting medium, and its aesthetic acceptability. In the context of animal tissue composting, finished and cured are different terms. Compost shall be finished; however, complete curing is not required.

(b) Dead animals shall be added to the compost batch within 24 hours following death.

(c) Afterbirth may be stored in closed impervious containers and shall be added to the batch within 3 days of initiating container use.

(d) Initially, the compost pile or windrow shall be constructed with a base of dry absorbent bulking agent that is at least 1 foot deep before any dead animal is added for composting. A base depth of 2 feet shall be used for dead animals of greater than 600 pounds body weight.

(e) Dead animals shall not be placed in the pile or windrow closer than 6 inches to any edge or wall.

(f) Dead animals shall be covered by a minimum of 6 inches of bulking agent and not be exposed.

(g) Pieces of hide remaining at the completion of curing shall be removed and added to a new active compost batch or shall be disposed of under section 21 of 1982 PA 239, MCL 287.671, before the compost may be sold or transferred or applied to crop land.

(h) Large bones of mature animals remaining at the completion of curing shall be crumbled during the mechanical spreading process or removed and added to a new active compost batch, or disposed of under section 21 of 1982 PA 239, MCL 287.671, before the compost may be sold or transferred or applied to crop land.

(i) Flies, rodents, pests, vermin, and other scavengers or predators shall be controlled so as not to disrupt the compost piles or constitute a risk or health hazard to human or animal populations.

(j) Odors shall be controlled in accordance with the Michigan Animal Tissue Composting Operational Standards, as adopted by reference in R 287.651a.

(14) The disposition of finished compost may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471, and published at http://michigan.gov/mda/0,1607,7-125-1567_1599_1605-70361--,00.html.

(15) In the interest of public health or animal health, the director may require that any compost be tested at a laboratory approved by the director for certain pathogenic organisms or any contaminant at any time before the compost leaves the composting site.

(16) Composting dead animals shall not be removed from the composting site, except as finished compost, unless the dead animal is disposed of in accordance with section 21 of 1982 PA 239, MCL

287.671.

(17) The owner or operator of the composting site shall keep records for 5 years containing the following information and shall make the records available to the director immediately upon request:

- (a) The start date of each compost batch.
- (b) The approximate weight, maturity, and species of dead animals or afterbirth added each time an addition is made and the dates the tissue is added to new compost batches.
- (c) The temperature of each batch measured weekly, shall be taken at a minimum of 1 foot deep into the compost.
- (d) The date compost is mechanically aerated shall be recorded.
- (e) The final disposition of finished compost, including the method, destination, date, and volume for the batch.

(18) A contingency plan to remedy problems and ensure the proper disposal of dead animals shall be kept at the compost site. The contingency plan shall include all of the following information:

- (a) A list of the following:
 - (i) The location of telephone numbers for and emergency numbers for the police, the fire department, and medical aid.
 - (ii) The person or persons responsible for the composting operation.
- (b) An action plan for all of the following emergencies:
 - (i) Fire.
 - (ii) Wind.
 - (iii) Flood.
- (c) Plans for the proper disposition of dead animals if composting is temporarily or permanently terminated.

R 287.657 Anaerobic digestion.

Rule 7. (1) Unless otherwise approved by the director, anaerobic digestion methods shall accommodate either of the following:

- (a) Normal daily natural mortality under common ownership.
- (b) Dead animals under the management of licensed dead animal dealers.
- (2) Anaerobic digestion technologies suitable for mortalities include plug flow and complete mix digester operating in the mesophilic and thermophilic temperature ranges.
- (3) Anaerobic digestion systems shall consist of all of the following:
 - (a) Controlled input of organic digester feedstock.
 - (b) Controlled heating of digester feedstock, also known as digester contents.
 - (c) Control of digester vessel atmosphere. The headspace shall contain less than 5% oxygen.
 - (d) Biogas and digestate production.
 - (e) Biogas destruction.
 - (f) Digestate management in accordance with federal and state regulations.
- (4) Digester feedstock is commonly referred to as influent or substrate.

Acceptable digester feedstocks for anaerobic digesters in this state include the following:

- (a) Livestock manure.
- (b) Waste animal feed.
- (c) Dead animals.
- (d) Yard waste or grass clippings.
- (e) Organic food processing waste.
- (f) Waste grease/trap grease.
- (g) Food waste intended for human consumption.
- (h) By-products from ethanol, biodiesel, and algal production.

(i) Other digester feedstocks may be approved by the director of the Michigan department of environmental quality operating under a national pollutant discharge elimination system permit.

(5) Facilities operating under a national pollutant discharge elimination system permit shall comply with the terms and conditions of the permit when utilizing non-farm digester feedstocks for anaerobic digestion.

(6) A person shall manage an anaerobic digestion system treating dead animals in compliance with the guidelines described in the Michigan on-farm anaerobic digester operational handbook, as adopted by reference in R 287.651a, and in accordance with MCL 287.665 and all of the following:

(7) A qualified anaerobic digester operator. The operator of an anaerobic digester shall meet all of the following requirements:

(a) Possess the skills necessary to start, maintain, and troubleshoot an anaerobic digester.

(b) Complete the Michigan-on-farm anaerobic digester operator certification course.

(c) Obtain certification by the Michigan department of agriculture and rural development as an anaerobic digester operator. The Michigan on-farm anaerobic digester operator certification course provides instruction for persons seeking to obtain the skills and knowledge necessary to meet the Michigan department of agriculture and rural development's requirements for qualified digester operator certification. Information on course enrollment may be obtained from Michigan State University extension, (<https://researchgroups.msu.edu/adrec>) or the Michigan Department of Agriculture and Rural Development, P.O. Box 30017, Lansing, Michigan 48909.

(8) One or both of the following methods of anaerobic digestion shall be used:

(a) Plug flow anaerobic digester. A plug flow anaerobic digester is a long, narrow tank with a rigid or flexible cover. The tank is heated and often built partially underground to reduce heat loss. Use of plug-flow digesters is limited to higher solids feedstocks. Plug flow digesters are generally not mixed, however, in some cases mixing is used to facilitate the process.

(b) Complete mix anaerobic digester. A complete mix anaerobic digester is an enclosed heated tank with a mechanical, hydraulic, or gas mixing system. Complete anaerobic mix digesters are intended for slurry or liquid feedstocks. Mixing ranges from intermittent to continuous.

(9) Anaerobic digestion systems processing dead animals shall operate within the following parameters:

(a) Temperature: 95 degrees Fahrenheit to 145 degrees Fahrenheit.

(b) Hydraulic retention time: greater than 20 days.

(c) pH: 6.8 to 7.5.

(d) Volatile solids loading: in the range of 0.02 to 0.25 pounds of volatile solids per cubic foot.

(e) Total solids of the digester contents: not to exceed 20% (200,000 ppm).

(f) Modifications to the operating parameters require approval from the director and may occur when the director has sufficient evidence that the modifications will allow the process to work effectively without causing harm to humans or the environment.

(g) Processing is recommended to reduce dead animals prior to introduction into the anaerobic digesters. Particle size reduction to less than 2 inches in size improves heat transfer and exposes additional surface area for biological activity.

(h) All water used for or generated during particle size reduction must be put directly into digester or stored according to state regulations.

(i) Dead animals shall be added to the anaerobic digester within 24 hours following death.

(j) Afterbirth may be stored in closed impervious containers and shall be added to the anaerobic digester within 3 days of initiating container use.

(k) The anaerobic digestion systems site shall maintain the following minimum isolation distances:

(i) Two hundred feet from waters of the state as defined in R 287.651(1)(u)(i) to (viii).

(ii) Two feet above the seasonal high water table, as defined by NRCS 313 Waste Storage Facility Conservation Practice Standard, and adopted by reference in R 287.651a.

(iii) Not within a 10-year time-of-travel zone designated as a wellhead protection area as recognized by the Michigan department of environmental quality, pursuant to the program established under the Michigan safe drinking water act, PA 399 of 1976, MCL 325.1001 to 325.1023, unless approved by the local unit of government administering the wellhead protection program. Where no designated wellhead protection area has been established, construction shall not be closer than the minimum isolation distance as stated on the well permit for a Type I or Type IIa public water supply. Facilities shall not be constructed closer than 800 feet to a Type IIb or Type III public water supply unless the structure is located in accordance with Table 1 of the Natural Resources Conservation Service Technical Guide Waste Storage Facility (No) 313.

(iv) Two hundred feet from nearest non-farm residence.

(l) The disposition of digestate may be by direct application to soils, sale, or other transfer of ownership. Application to soils shall be done in accordance with the recommendations within the Generally Accepted Agricultural and Management Practices for Nutrient Utilization, January 2010, as specified in 1981 PA 93, MCL 286.471, and published at http://michigan.gov/mda/0,1607,7-125-1567_1599_1605-70361--,00.html.

(m) In the interest of public health or animal health, the director may require that any digestate be tested at a laboratory approved by the director for certain pathogenic organisms or any contaminant at any time before the digestate is land applied.

(n) The owner or operator of the anaerobic digester shall keep records for 5 years containing the following information and shall make the records available to the director immediately upon request:

(i) The approximate weight, maturity, and species of dead animals or afterbirth added each time an addition is made and the dates the tissue is added to new batches.

(ii) The daily input mass or volume of all digester feedstocks.

(iii) The daily temperature digester contents.

(iv) Daily biogas production information.

(v) Quarterly biogas composition information.

(vi) System maintenance and operation logs.

(vii) Design and construction documents showing the as-built capacity of the anaerobic digester

(viii) The final disposition of digestate, including the method, destination, date, and volume for the batch.

(ix) A contingency plan to remedy problems and ensure the proper disposal of dead animals by anaerobic digestion. The contingency plan shall include all of the following information:

(A) A contingency plan shall be prepared to describe how digester contents will be managed in the event of a biological failure. The contingency plan shall identify at a minimum how to restart the digester, and how state regulations will be followed in the event that the digester cannot be restarted. The plan shall include management of dead animals and digester contents if operation of anaerobic digestion is interrupted or terminated.

(B) A list of both of the following:

(1) The location of telephone numbers for and emergency numbers for the police, the fire department, and medical aid.

(2) The person or persons responsible for operation of the anaerobic digester.

(C) An action plan for all of the following emergencies:

(1) Fire.

(2) Wind.

(3) Flood.

(4) Other mechanical failures.

ADMINISTRATIVE RULES

ORR 2010-043

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on June 7, 2011

This rule takes effect 14 days after filing with the Secretary of State.

(By authority conferred on the director of the department of energy, labor, and economic growth by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, and 2008-20, MCL 408.1016, 408.1021, 445.2001, 445.2011, and 445.2025)

R 408.19002 of the Michigan Administrative Code is amended as follows:

PART 90. PERMIT-REQUIRED CONFINED SPACES

R 408.19002 Adoption by reference of federal standard.

Rule 9002. The provisions of 29 C.F.R. §1910.146 entitled “Permit Required Confined Spaces” and the amendments in the Federal Register dated June 29, 1993, and December 1, 1998, pp. 66038 to 66040 are adopted in these rules by reference, with the limitations set forth in R 408.19001(2). The adopted regulations are available from the United States Department of Labor, 315 West Allegan, Room 315, Lansing, Michigan 48917, or via the internet at website www.osha.gov, or from the Michigan Department of Energy, Labor, and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, at no charge as of the time of adoption of these rules.

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

2011 - 7

MICHIGAN DEPARTMENT OF STATE POLICE

MICHIGAN CRIMINAL JUSTICE INFORMATION SYSTEMS BOARD

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, the Michigan Department of State Police has been designated by the Federal Bureau of Investigation (FBI) as Michigan's Criminal Justice Systems Agency (CSA); and

WHEREAS, the Michigan Department of State Police, as Michigan's CSA, is held responsible by the FBI for Michigan's compliance with the FBI's Criminal Justice Information Systems policies; and

WHEREAS, Criminal Justice Information Systems, including the services and systems managed by the Michigan State Police, enhance public safety and criminal justice efforts; and

WHEREAS, Criminal Justice Information Systems, including the services and systems provided by the Michigan Department of State Police, benefit from collaboration with, and input from, system contributors and users who share ownership of the data therein; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Board" means the Criminal Justice Information Systems Board created within the Michigan Department of State Police under Section II of this Order.

B. “Criminal Justice Information Systems” (CJIS) means systems provided by a governmental agency or authorized private entity that store and/or disseminate information used for the administration of criminal justice and public safety.

C. "Department of State Police" or "Department" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

II. CREATION OF THE MICHIGAN CRIMINAL JUSTICE INFORMATION SYSTEMS BOARD

A. The Michigan Criminal Justice Information Systems Board is created as an advisory body within the Department of State Police.

B. The Board shall consist of the following 22 members:

- The Director of the Department of State Police.
- One representative of the Michigan Judges Association appointed by that association.
- One representative of the Michigan District Judges Association appointed by that association.
- One representative of the State Court Administrative Office appointed by that office.
- Two representatives of the Prosecuting Attorneys Association of Michigan appointed by that association.
- Three representatives of the Michigan Sheriff’s Association appointed by that association.
- Two representatives of the Michigan Association of Chiefs of Police appointed by that association.
- The Chief of the Detroit Police Department, or his or her designee.
- One representative of the Michigan Communications Directors Association appointed by that association.
- One representative of a Tribal criminal justice agency appointed by the Inter-Tribal Council of Michigan.
- The Attorney General, or his or her designee.
- The Secretary of State, or his or her designee.
- The Director of the Department of Corrections, or his or her designee.
- The Director of the Department of Human Services, or his or her designee.
- The Director of the Department of Community Health, or his or her designee.
- The Director of the Department of Technology, Management and Budget, or his or her designee.
- Two representatives of the Department of State Police appointed by the Director of the Department.

C. The Director of the Department shall serve as the Chairperson of the Board. The Board shall annually elect a member of the Board to serve as Vice-Chairperson of the Board.

D. The Board shall be staffed and assisted by personnel from the Department, as directed by the Director of the Department. The budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.

E. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

F. A majority of the members of the Board serving constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of its serving members.

G. The Board shall meet quarterly at the call of the Chairperson and as may be provided in procedures adopted by the Board.

H. The Board may establish advisory workgroups composed of representatives of law enforcement agencies participating in CJIS activities, other law enforcement or public safety agencies, and other public participation as the Board deems necessary to assist the Board in its duties and responsibilities. The Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

I. The Board may, as appropriate, make inquiries, conduct studies and investigations into costs, efficiencies, and processes associated with CJIS, hold hearings, and receive outside comments from the public. The Board may also consult with outside experts in order to perform its duties, including but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

J. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget, subject to available funding.

K. The Board may hire or retain contractors, subcontractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties, as the Director of the Department deems advisable and necessary, in accordance with this Order and the relevant statutes, rules, and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget.

L. The Board may accept donations of labor, services, or other items of value from any public or private agency or person.

M. Members of the Board shall refer all legal, legislative, and media contacts to the Department.

N. The Board shall serve in an advisory capacity to the Director of the Department of State Police on issues related to the development and deployment of information management systems that facilitate the rapid exchange of accurate information between the various components of the criminal justice community.

O. Criminal Justice Information Systems upgrades or equipment procurements that will result in an increased cost to criminal justice agencies in order to access the system or information shall be presented to the Board before implementation or procurement.

P. The Board may recommend policy and rules governing access, use, and disclosure of information in Criminal Justice Information Systems, including the Law Enforcement Information Network (LEIN), the Automated Fingerprint Information System (AFIS), and other information systems related to criminal justice or law enforcement. These policies will:

1. Ensure access to information provided by a federal, state, or local government agency to administer criminal justice or enforce any law;
2. Ensure access to information provided by the LEIN or AFIS by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws;
3. Authorize a fire chief of an organized fire department, or his or her designee, to request and receive information obtained through the LEIN by a law enforcement agency for the following purposes:
 - a. A pre-employment criminal convictions history;
 - b. A pre-employment driving record;
 - c. Vehicle registration information for vehicles involved in a fire or hazardous materials incident;
4. Authorize a public or private school superintendent, principal, or assistant principal to receive vehicle registration information, for a vehicle within 1,000 feet of school property, obtained through the LEIN by a law enforcement agency.

Q. Any recommendation adopted by a majority of the Board, which does not contradict federal security standards established by the FBI, and not acted upon by the Director of the Department within 30 days, will be subject to review and adjudication by the Governor, through his Legal Counsel.

R. The Board may recommend fees for access, use, or dissemination of information from Criminal Justice Information Systems.

S. The Department shall not assess any new fee for access, use, or dissemination of information from CJIS without Board approval unless mandated by statute. If a new fee for access, use, or dissemination from CJIS is mandated, the Board may recommend how that fee is calculated and distributed.

T. The Board may recommend standards for access to CJIS. The Department shall approve or disapprove applications for CJIS access. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval.

U. The Board may make recommendations to support the Department in ensuring compliance with federal security standards established by the FBI or Federal CJIS agencies, and authorize the Director, between meetings of the council, to immediately implement federal security requirements established by the FBI or Federal CJIS agency.

III. MISCELLANEOUS

A. State departments and agencies shall actively cooperate with the Board in the performance of their duties and responsibilities under this Order.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of
Michigan this _____ day of June, in the year of our Lord,
two thousand eleven.

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

MICHIGAN ADMINISTRATIVE CODE TABLE
(2011 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

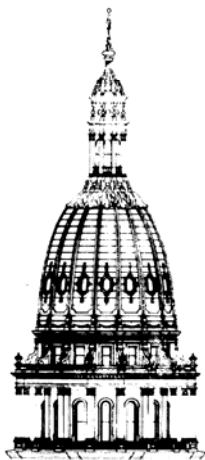
**MICHIGAN ADMINISTRATIVE CODE TABLE
(2011 RULE FILINGS)**

R Number	Action	2011 MR Issue	R Number	Action	2011 MR Issue	R Number	Action	2011 MR Issue
28.5051	*	10	29.1664	A	5	257.301	*	3
28.5052	*	10	29.1665	A	5	257.301a	A	3
28.5053	*	10	29.1666	A	5	257.313a	*	3
28.5054	*	10	29.1667	A	5	257.1521	*	5
28.5055	*	10	29.1668	A	5	257.1522	*	5
28.5056	*	10	29.1669	A	5	257.1523	*	5
28.5057	*	10	29.1670	A	5	257.1523a	A	5
28.5058	*	10	29.1671	A	5	257.1524	*	5
28.5059	*	10	29.1672	A	5	257.1524a	A	5
29.451	A	5	29.1673	A	5	257.1525	*	5
29.452	A	5	29.1674	A	5	257.1526	*	5
29.461	A	5	29.1675	A	5	257.1527	*	5
29.462	A	5	29.1676	A	5	257.1528	*	5
29.463	A	5	29.1677	A	5	257.1528a	A	5
29.1601	R	5	29.1678	A	5	257.1529	*	5
29.1602	R	5	29.1679	A	5	257.1530	*	5
29.1603	R	5	29.1680	A	5	257.1531	*	5
29.1621	R	5	29.1681	A	5	257.1531a	A	5
29.1622	R	5	29.1682	A	5	257.1532	*	5
29.1623	R	5	29.1683	A	5	285.628.5	*	5
29.1624	R	5	29.1684	A	5	285.628.9	*	5
29.1625	R	5	29.1685	A	5	287.651	*	11
29.1626	R	5	29.1686	A	5	287.651a	*	11
29.1627	R	5	29.1687	A	5	287.655	*	11
29.1631	R	5	29.1688	A	5	287.657	A	11
29.1641	R	5	29.1689	A	5	325.5701	A	11
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29.1653	A	5	29.1692	A	5	325.5707	A	11
29.1654	A	5	29.1693	A	5	325.5709	A	11
29.1655	A	5	29.1694	A	5	325.5711	A	11
29.1656	A	5	29.1695	A	5	325.5713	A	11
29.1657	A	5	29.1696	A	5	325.5715	A	11
29.1658	A	5	29.1697	A	5	325.5717	A	11
29.1659	A	5	29.1698	A	5	325.5719	A	11
29.1660	A	5	29.1699	A	5	325.5721	A	11
29.1661	A	5	29.1700	A	5	325.9071	*	6
29.1662	A	5	29.1701	A	5	325.9072	*	6
29.1663	A	5	29.1702	A	5	325.9073	*	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2011 MR Issue	R Number	Action	2011 MR Issue	R Number	Action	2011 MR Issue
325.9074	*	6	338.11405a	*	4	338.13030	A	5
325.9075	*	6	338.11408	*	4	338.13035	A	5
325.9076	R	6	338.11409	*	4	338.13040	A	5
325.13001	*	9	338.11501	*	4	338.13045	A	5
325.13002	*	9	338.11503	*	4	408.19002	*	11
325.13004a	A	9	338.11505	*	4	432.21101	*	5
338.1560	*	3	338.11507	*	4	432.21409	*	5
338.1562	*	3	338.11509	*	4	432.21412	*	5
338.1564	A	3	338.11511	*	4	432.21811	*	5
338.1568	A	3	338.11512	*	4	460.301	A	11
338.4901	*	4	338.11513	*	4	460.302	A	11
338.4902	*	4	338.11515	*	4	460.303	A	11
338.4903	R	4	338.11517	*	4	460.9001	R	6
338.4906	*	4	338.11519	*	4	460.9002	A	6
338.4908	*	4	338.11521	*	4	460.9021	R	6
338.4911	*	4	338.11523	*	4	460.9022	A	6
338.4914a	*	4	338.11525	*	4	500.1124	*	10
338.4915	*	4	338.11527	*	4			
338.4918	*	4	338.11601	*	4			
338.4921	A	4	338.11602	*	4			
338.4922	A	4	338.11603	*	4			
338.4923	A	4	338.11604	*	4			
338.4924	A	4	338.11605	*	4			
338.4971	*	4	338.11701	*	4			
338.4972	*	4	338.11703	*	4			
338.4973	*	4	338.11704	*	4			
338.4976	*	4	338.11704a	A	4			
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338.11261	*	4	338.13005	A	5			
338.11267	*	4	338.13010	A	5			
338.11404	*	4	338.13015	A	5			
338.11404a	*	4	338.13020	A	5			
338.11405	*	4	338.13025	A	5			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2011 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publishing Unit
124 W. Allegan, Lansing, MI 48909

June 17, 2011
Through Act 60 of 2011

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved Date	Filed Date	Effective Date		SUBJECT
	HB	SB						
1		122	Yes	3/8	3/9	3/9/11	#	Environmental protection; groundwater contamination; incentives for verification under the Michigan agriculture environmental assurance program (MAEAP); provide for. <i>(Sen. J. Hune)</i>
2	4212		Yes	3/8	3/9	3/9/11	#	Environmental protection; groundwater contamination; Michigan agriculture environmental assurance program (MAEAP); codify. <i>(Rep. K. Daley)</i>
3	4160		Yes	3/10	3/11	3/11/11		State financing and management; funds; distribution of 21st century jobs fund money into funding "Pure Michigan"; provide for. <i>(Rep. W. Schmidt)</i>
4	4214		Yes	3/16	3/16	3/16/11	#	Local government; other; local government and school district fiscal accountability act; create. <i>(Rep. A. Pscholka)</i>
5	4216		Yes	3/16	3/16	3/16/11	#	Local government; financing; reference to local government and school district fiscal accountability act; provide for in the revised municipal finance act. <i>(Rep. A. Pscholka)</i>
6	4217		Yes	3/16	3/16	3/16/11	#	Elections; recall; reference to local government and school district fiscal accountability act; provide for in the Michigan election law. <i>(Rep. A. Pscholka)</i>
7	4218		Yes	3/16	3/16	3/16/11	#	Cities; home rule; reference to local government and school district fiscal accountability act; provide for in the home rule city act. <i>(Rep. A. Pscholka)</i>

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*** – See Act for applicable effective date.

+ – line item veto.

– tie bar.

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	HB	SB						
8		157	Yes	3/16	3/16	3/16/11	#	Education; school districts; schools operated by school district with emergency manager; exempt from being placed under supervision of state school reform/redesign officer. (<i>Sen. P. Pavlov</i>)
9		158	Yes	3/16	3/16	3/16/11	#	Labor; collective bargaining; certain limitations on collective bargaining rights and certain provisions in public collective bargaining agreements; require. (<i>Sen. P. Pavlov</i>)
10		020	Yes	3/22	3/24	3/24/11		Labor; health and safety; promulgation of rules regarding workplace ergonomics; prohibit. (<i>Sen. R. Jones</i>)
11		022	Yes	3/23	3/24	3/24/11		Probate; trusts; uniform statutory rule against perpetuities; revise to reflect limitation of the personal property trust perpetuities act to certain property. (<i>Sen. T. Schuitmaker</i>)
12		023	Yes	3/23	3/24	3/24/11		Probate; trusts; personal property trust perpetuities act; limit application to certain property. (<i>Sen. T. Schuitmaker</i>)
13		149	Yes	3/23	3/24	3/24/11		Highways; signs; existing sign structures; allow interim permits. (<i>Sen. R. Kahn</i>)
14	4408		Yes	3/28	3/29	3/29/11		Employment security; administration; fraud control measures and benefit and extended benefit period adjustments; implement. (<i>Rep. J. Stamas</i>)
15	4158		Yes	3/29	3/30	9/1/11		Trade; consumer goods and services; requirement for item pricing of consumer items; repeal. (<i>Rep. L. Lyons</i>)
16		140	Yes	3/30	3/30	3/30/11		Appropriations; supplemental; appropriation for Michigan natural resources trust fund; provide for fiscal year 2011. (<i>Sen. D. Booher</i>)
17		188	Yes	4/12	4/12	4/12/11	#	Criminal procedure; sex offender registration; federal compliance with sex offenders registry; provide for. (<i>Sen. R. Jones</i>)

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	HB	SB					
18		189	Yes	4/12	4/12	7/1/11 #	Criminal procedure; sex offender registration; information required and procedures established under sex offender registration act; revise to comply with federal law. (<i>Sen. P. Pavlov</i>)
19		206	Yes	4/12	4/12	7/1/11 #	Criminal procedure; sentencing guidelines; sentencing guidelines for certain sex offender registration crimes; revise. (<i>Sen. P. Pavlov</i>)
20		05	Yes	4/19	4/20	4/20/11	Liquor; licenses; "catering permit" for specially designated distributors, specially designated merchants, and on-premises licensees to serve alcohol at locations other than the licensed premises under certain circumstances; provide for. (<i>Sen. J. Pappageorge</i>)
21		053	Yes	4/19	4/20	4/20/11	Civil procedure; evidence; introduction of evidence of an expression of sympathy as an admission of liability in a civil action; prohibit. (<i>Sen. J. Marleau</i>)
22		144	Yes	4/26	4/27	4/27/11	State financing and management; funds; Michigan strategic fund 21st century investments; clarify certain definitions. (<i>Sen. M. Green</i>)
23		141	Yes	4/28	4/28	4/28/11	Property; conveyances; restrictions regarding park use of land conveyed to city of Gladwin; modify. (<i>Sen. J. Moolenaar</i>)
24	4248		Yes	4/28	4/28	4/28/11	Economic development; downtown development authorities; refinancing of certain qualified refunding obligations; allow. (<i>Rep. M. Huuki</i>)
25	4135		Yes	5/10	5/11	5/11/11	Labor; public service labor disputes; membership of board of trustees of certain police and fire retirement systems; make a prohibited subject of bargaining. (<i>Rep. F. Durhal</i>)
26		263	Yes	5/13	5/16	5/16/11	Occupations; athletic trainers; exemption from licensure for certain athletic trainers temporarily in this state; provide for. (<i>Sen. T. Rocca</i>)
27		100	Yes	5/13	5/16	5/16/11	Liquor; hours; municipalities to prohibit the sale of alcoholic liquor on Sunday morning or all day Sunday; allow. (<i>Sen. R. Jones</i>)

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	HB	SB					
28	4258		Yes	5/13	5/16	5/16/11	Records; birth; heirloom birth certificates; create, allow for fee collection, and earmark revenue. (Rep. L. Lyons)
29	4004		Yes	5/17	5/17	5/17/11	Transportation; railroads; certain segment of property formerly used for railway; exempt from divestiture provision. (Rep. K. Kurtz)
30	4382		Yes	5/23	5/24	5/24/11	Children; guardians; Michigan children's institute superintendent's consent authority; expand to include consent for guardianships. (Rep. B. Rendon)
31		220	Yes	5/23	5/24	5/24/11	Children; guardians; Michigan children's institute superintendent's designee to consent to guardianship; allow. (Sen. J. Emmons)
32	4381		Yes	5/23	5/24	5/24/11	Children; adoption; department designee to consent to adoption; allow. (Rep. K. Kurtz)
33	4113		Yes	5/24	5/24	5/24/11	Occupations; real estate; requirement to display real estate broker's license and license of each salesperson employed in place of business; eliminate. (Rep. N. Jenkins)
34	4227		Yes	5/24	5/24	5/24/11	Construction; contracts; capital recovery fees; prohibit for nonresidential development. (Rep. P. Opsommer)
35	4228		Yes	5/24	5/24	5/24/11	Construction; contracts; capital recovery fees; prohibit for residential development. (Rep. B. Rendon)
36		318	Yes	5/24	5/25	5/25/11	Cities; home rule; provision regarding financial recovery bonds; modify. (Sen. H. Hopgood)
37	4129		Yes	5/25	5/25	5/25/11	Highways; name; portion of M-24; designate as the "William Davidson memorial highway". (Rep. M. Knollenberg)
38	4361		Yes	5/25	5/25	10/1/11	Income tax; rate; general revisions and implementation of a corporate income tax; provide for. (Rep. J. Gilbert)

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	HB	SB					
39	4362		Yes	5/25	5/25	5/25/11 #	Michigan business tax; replacement; option to claim certain certificated credits after enactment of a corporate income tax act; provide for. (Rep. J. Gilbert)
40	4479		Yes	5/25	5/25	5/25/11	Taxation; other; multistate tax compact; modify. (Rep. J. Gilbert)
41	4480		Yes	5/25	5/25	5/25/11	Retirement; state employees; tax exemption for pensions; eliminate. (Rep. J. Gilbert)
42	4481		Yes	5/25	5/25	5/25/11	Retirement; public school employees; tax exemption for pensions; eliminate. (Rep. J. Gilbert)
43	4482		Yes	5/25	5/25	5/25/11	Retirement; legislative; tax exemption for pensions; eliminate. (Rep. J. Gilbert)
44	4483		Yes	5/25	5/25	5/25/11	Retirement; other; tax exemption for pensions of city library employees; eliminate. (Rep. J. Gilbert)
45	4484		Yes	5/25	5/25	5/25/11	Retirement; judges; tax exemption for pensions; eliminate. (Rep. J. Gilbert)
46		102	Yes	5/26	5/26	7/1/11	Vehicles; registration plates; "Gold Star Family" registration plates; create. (Sen. J. Pappageorge)
47		139	Yes	5/26	5/27	5/27/11	State financing and management; budget; revenue estimating conference; include additional variables and provide general amendments. (Sen. R. Kahn)
48		245	Yes	5/26	5/27	5/27/11	Construction; other; construction standards for private residential incline elevator; apply to incline elevator for homeowner's association. (Sen. J. Proos)
49	4291		Yes	5/26	5/27	5/27/11	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2010-2011. (Rep. C. Moss)
50	4407		Yes	5/26	5/27	5/27/11 +	Appropriations; zero budget; supplemental appropriations; provide for fiscal year 2010-2011. (Rep. C. Moss)

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	HB	SB					
51	4441		Yes	6/3	6/8	12/6/11	Health facilities; certificate of need ; requirements applicable to hospitals providing extended care services through swing beds; eliminate requirement to transfer patient to other bed within a 50-mile radius, require a discharge plan, and provide other general amendments. (Rep. F. Foster)
52	4442		Yes	6/7	6/8	6/8/11 #	Administrative procedure; rules ; definition of rule; revise to reflect elimination of state law regarding federal swing-bed program. (Rep. G. Haines)
53	4443		Yes	6/7	6/8	6/8/11 #	Human services; medical services ; medicaid payments for swing-bed services; revise reference to reflect elimination of state law regarding the federal program. (Rep. P. Muxlow)
54	4152		Yes	6/7	6/8	6/8/11	Labor; collective bargaining ; wages and benefits for certain public employees; freeze during contract negotiations. (Rep. M. Knollenberg)
55	4389		Yes	6/7	6/8	6/8/11	Occupations; dentists ; dentists practicing under special volunteer license; extend immunity from liability. (Rep. J. Stamas)
56	4623		Yes	6/9	6/10	6/10/11	Cities; income tax ; population requirements for eligibility; revise. (Rep. D. Nathan)
57	4624		Yes	6/9	6/10	1/1/11	Taxation; utility users ; population requirements for eligibility; revise. (Rep. H. Santana)
58	4314		Yes	6/14	6/14	6/14/11	Communications; telecommunications ; certain Michigan telecommunications act provisions; modify. (Rep. K. Horn)
59	4167		Yes	6/14	6/14	7/1/11 #	Criminal procedure; sentencing guidelines ; sentencing guidelines for moving violation in a work zone causing death; include school bus zones. (Rep. T. McMillin)
60	4168		Yes	6/14	6/14	7/1/11	Crimes; vehicle offenses ; moving violations in a school bus zone; provide for increased penalties. (Rep. M. O'Brien)

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